

# REMARKS

A brief summary is presented of the prosecution developments beyond the response to the final rejection of January 19, 2001.

A response to the final rejection was filed on July 18, 2001, including a proposed amendment to claim 1. An advisory action was sent on August 1, 2001, rejecting and refusing to enter the amendment, as raising a new issue.

This preliminary amendment is submitted to formally enter the claim proposed as an attachment to the letter submitted on October 14, 2001, after the post-final Advisory Action of Aug. 1, 2001.

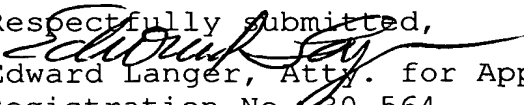
The proposed claim submitted herewith attempts to implement the conclusions of the post-final interview conducted by the undersigned with Examiner A. Knight on August 22, 2001. As understood by the undersigned, Applicant's representative, an amended preamble to claim 1 would render the claim patentable if it included "the specific recitations for the use of the device as recited in the allowed (objected to) claims."

This new claim, now claim 50, incorporates the recitation of the proposed post-final claim amendment of July 18, 2001 and the preamble amendment based on the interview of Aug. 22, 2001.

The phone conversations with Ex. Knight after the aforementioned interview did not bring about resolution of the case, as the matter of a "closed" vs. an "open" list of uses in the preamble became an issue, which the Examiner was unwilling to consider further at that stage of the prosecution.

An Appeal Brief was filed on February 15, 2002, and an Office Action indicating non-compliance of the Appeal Brief with 37 CFR 1.192(c) was mailed on March 15, 2002, setting a one-month response date.

The attached RCE is now filed to continue the prosecution.

Respectfully submitted,  
  
Edward Langer, Atty. for Applicant  
Registration No. 30,564